

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

EUGENE BROOKINS)	
)	
Plaintiff,)	
)	
v.)	Civil No. 11-784
)	
DANIEL CUIFFI and)	
BOROUGH of WILKINSBURG,)	
)	
Defendants.)	

O R D E R

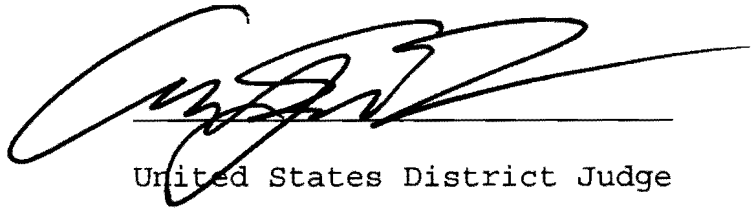
AND NOW, ~~this~~ ¹³ day of April, 2012, after the plaintiff filed an action in the above-captioned case, and after a motion to dismiss was submitted by defendants Daniel Cuiffi and Borough of Wilkinsburg, and after a Report and Recommendation was filed by the United States Magistrate Judge granting the parties fourteen days after being served with a copy to file written objections thereto, and upon consideration of the objections filed by defendants and the response to those objections filed by plaintiff, and upon independent review of the motion and the record, and upon consideration of the Magistrate Judge's Report and Recommendation (Docket No. 25), which is adopted as amended below, as the opinion of this Court,

IT IS ORDERED that defendants' motion to dismiss (Docket No. 15) is GRANTED in part and DENIED in part.

Defendants' motion to dismiss is GRANTED as to count

one of the complaint, the component of the intentional infliction of emotion distress claim related to Brookins's arrest and seizure, and as to all claims against Wilkinsburg.

The motion is DENIED as to Cuiffi's liability for malicious prosecution (count two), for intentional infliction of emotional distress resulting from malicious prosecution (count three), for entitlement to qualified immunity and for the claim for punitive damages in Cuiffi's individual capacity.

A handwritten signature in black ink, appearing to be "C. J. [unclear]", is written over a horizontal line. Below the line, the text "United States District Judge" is printed.

United States District Judge